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October 30, 2020

By ECF

Hon. Kenneth M. Karas
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: Ceara v. Doe
Index No. 13 Civ. 06023 (KMK)

Dear Judge Karas:

I write respectfully in response to the Court's October 28, 2020 Order scheduling the trial of the above-referenced matter to commence on December 2, 2020, see Docket No. 128, to raise a logistical issue with the Court. As the Court is aware, plaintiff is currently incarcerated at Green Haven Correctional Facility. Pursuant to the Joint Pretrial Order filed by plaintiff on October 28, 2020, id. at No. 129, it appears to be plaintiff's intention to call as witnesses several individuals who are currently incarcerated. Moreover, defendant Sergeant Deacon currently works at a correctional facility as does several of the witnesses plaintiff and defendant intend to call at trial. As is the New York State Department of Corrections and Community Supervision's practice, Mr. Ceara will be transported to and from the Courthouse each day from a State correctional facility.

Pursuant to Judge McMahon's Standing Order, dated October 26, 2020, the following persons may not enter any courthouse in the Southern District, "[p]ersons who have been released from a federal, state or local jail, prison or other correctional institution within the last fourteen days, except those who are reporting to be fit with a location monitoring device." It would appear that a good number of the anticipated witnesses, as well as the plaintiff himself, will not be permitted into the courthouse for the trial.

Defendant raises this issue in advance of the November 4, 2020 conference.

Respectfully submitted,

/s/ Neil Shevlin

Neil Shevlin

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cc: Rafael Ceara (by first class mail)